

REMARKS

Applicants have studied the Office Action dated August 25, 2004, and present the following remarks for consideration. Claims 14-50 are pending. Claims 14-17, 29 and 41 are independent claims. Reconsideration and reexamination of the application are respectfully requested.

Double Patenting Rejection

The Examiner rejected claims 17-50 based on non-statutory type double patenting as containing every element of claims 4-9, 11-13, 15-20, 22-23 and 26-40 of U.S. Patent No. 6,665,829 ("the '829 patent") and asserted that the claims were, therefore, anticipated by the '829 patent. This rejection is respectfully traversed.

It is respectfully noted that the '829 patent issued from the parent application (Ser. No. 10/156,372) of the present application. It is further respectfully noted that independent claims 17, 29 and 41 of the present application recite that at least one of the plurality of constituent encoders has a transfer function of $G(D)=[1, (1+D+D^3)/(1+D^2+D^3)]$. On the other hand, it is further respectfully noted that independent claims 4, 17 and 30 of the '829 patent recite that at least one of the plurality of constituent encoders has a transfer function of $G(D)=[1, (1+D+D^{sup.3})/(1+D^{sup.2}+D^{sup.3}), (1+D+D^{sup.2}+D^{sup.3})/(1+D^{sup.2}+D^{sup.3})]$.

It is respectfully submitted that the transfer function $G(D)=[1, (1+D+D^3)/(1+D^2+D^3)]$ recited by the independent claims of the present application is sufficiently different from the transfer function $G(D)=[1, (1+D+D^{sup.3})/(1+D^{sup.2}+D^{sup.3}), (1+D+D^{sup.2}+D^{sup.3})/(1+D^{sup.2}+D^{sup.3})]$ recited by the independent claims of the '829 patent that independent claims 17, 29 and 41 of the present application are not anticipated by claims 4, 17 and 30 of the '829 patent. Therefore, it is respectfully asserted that independent claims 17, 29 and 41 of the present application, as well as claims 18-28, 30-40 and 42-50 which depend therefrom, are allowable over the '829 patent and it is respectfully requested that the Examiner withdraw the rejection.

Claims 14-16

The Examiner has indicated that claims 17-50 are pending in the application. However, it is respectfully noted that claims 14-16 were added to the present application by virtue of a preliminary amendment submitted with the present application on September 12, 2003. It is further respectfully noted that the Examiner has made no indication of the allowability or rejection of claims 14-16. It is respectfully requested that the Examiner consider the merits of pending claims 14-16 as well as pending claims 17-50.


CONCLUSION

In light of the above remarks, Applicant submits that claims 14-50 of the present application are in condition for allowance. Reexamination and reconsideration of the application are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at ~~(301)~~ 601-7252 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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